

REMARKS

At the outset, applicants would like to thank Examiner Sakelaris for her time and consideration of the present application during the interview of June 6, 2005. During the interview, the issues raised in the outstanding Official Action were discussed. As recommended by the Examiner, this amendment is accompanied with a Request for Continued Examination.

In the outstanding Official Action, claims 22, 26, 27 and 30-32 were rejected under 35 USC §102(b) as allegedly being anticipated by NILSSON et al. Applicant believes the present amendment obviates this rejection.

Claims 1-32 have been cancelled. New claims 33-42 have been added. Support for new claims 33-42 may be found generally throughout the specification and in the original claims. In particular, the Examiner's attention is respectfully directed to page 6, line 38 to page 7, line 1, wherein the term "solid phase anchor" is explained. Support for step f may be found in the present specification at page 4, line 36. Support for claim 42 may be found in the present specification at page 9, lines 30-32.

It is believed that NILSSON et al. fails to anticipate the claimed invention. At this time, the Examiner's attention is respectfully directed to independent claim 33, which recites a step of immobilizing a probe. The probe comprises at least one 3'-end sequence, an intermediate sequence comprising a solid phase anchor, and at least one 5'-end sequence,

wherein the 3'-end sequence or 5'-end sequence further comprises at least one detectable function and a cleavable site between the detectable function and the solid phase anchor.

As Figure 4 in the NILSSON et al. publication fails to disclose or suggest immobilizing an oligonucleotide probe, wherein the probe comprises the solid phase anchor, we believe that claim 33 and the corresponding dependent claims are distinguishable over NILSSON et al. Indeed, applicants respectfully submit that NILSSON et al. stands in contrast to the claimed invention as NILSSON et al. teaches the immobilization of the target DNA.

As a result, applicant believes that NILSSON et al. fails to anticipate or render obvious the claimed invention.

Claims 23-25 were rejected under 35 USC §103(a) as allegedly being unpatentable over NILSSON et al. and further in view of URDEA et al. This rejection is respectfully traversed.

As noted above, claims 1-32 have been cancelled. Applicant believes that URDEA et al. fails to remedy the deficiencies of NILSSON et al. URDEA et al. do not teach a probe, wherein the probe comprises at least one 3'-end sequence, an intermediate sequence comprising a solid phase anchor, and at least one 5'-end sequence, and wherein the 3'-end sequence or 5'-end sequence further comprises at

least one detectable function and a cleavable site between the detectable function and the solid phase anchor.

Thus, applicant believes that the proposed combination fails to render obvious the claimed invention.

Claims 28 and 29 were rejected under 35 USC §103(a) as allegedly being unpatentable over NILSSON et al. and further in view of BIRKENMEYER et al. This rejection is respectfully traversed.

BIRKENMEYER et al. disclose a gap filling Ligase Chain Reaction, wherein the object is to decrease the occurrence of target independent ligation (see column 2, lines 30-31). BIRKENMEYER et al. do not teach a probe, wherein the probe comprises at least one 3'-end sequence, an intermediate sequence comprising a solid phase anchor, and at least one 5'-end sequence, and wherein the 3'-end sequence or 5'-end sequence further comprises at least one detectable function and a cleavable site between the detectable function and the solid phase anchor.

Thus, applicant believes that the proposed combination fails to render obvious the claimed invention.

In view of the present amendment and foregoing Remarks, therefore, applicant believes that the present application is in condition for allowance at the time of the next Official Action.

Allowance and passage to issue on this basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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